

Menke Jackson Beyer, LLP
807 North 39th Avenue
Yakima, Washington 98902
(509) 575-0313
Attorneys for Chelan County Defendants

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

EDWIN TROY HAWKINS, a married)
man,)

Plaintiff,)

vs.)

DOUGLAS COUNTY, a municipal)
corporation; CHELAN COUNTY, a)
municipal corporation; DALE)
ENGLAND, RANDY LAKE, BO)
ALLEN, DEAN SCHLAMMAN, BILL)
BLACK; JOHN AND JANE DOE)
DEPUTIES NO. 3 THROUGH 8 OF)
THE DOUGLAS COUNTY)
SHERIFF'S DEPARTMENT; JOHN)
AND JANE DOES NO. 9 THROUGH)
14, DEPUTIES of the CHELAN)
COUNTY SHERIFF'S)
DEPARTMENT; STEVEN M. CLEM)
and JOHN AND JANE DOES NO. 15)
THROUGH 25, deputy prosecuting)
attorneys of the DOUGLAS COUNTY)
PROSECUTOR'S OFFICE,)

Defendants.)

NO. 2:15 CV- 00283 TOR

**SUPPLEMENTAL
DECLARATION OF DALE
ENGLAND IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT**

**SUPPLEMENTAL DECLARATION
OF DALE ENGLAND - 1**

MENKE JACKSON BEYER, LLP
807 North 39th Avenue
Yakima, WA 98902
Telephone (509)575-0313
Fax (509)575-0351

Pursuant to RCW 9A.72.085, DALE ENGLAND hereby certifies under penalty of perjury of the laws of the State of Washington that the following statements are true and correct.

1. I am one of the named defendants in this case, and I make this declaration based upon my personal knowledge.

2. I am competent to testify regarding the matters set forth in this declaration.

3. I have reviewed the Declaration of Michael T. Harum [ECF No. 58] that has been filed in this action.

4. In order to address what Mr. Harum alleges in his Declaration, I believe it is important to provide some background to demonstrate Mr. Harum's bias towards me.

5. During the time Mr. Harum was the elected Sheriff I was a member of the board of the Chelan County Deputy Sheriff's Association, a union that represented and still represents the deputy sheriffs employed by Chelan County. I was eventually elected President of the Association and was serving in that capacity in the year 2008.

**SUPPLEMENTAL DECLARATION
OF DALE ENGLAND - 2**

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6. As President of the Association I vigorously advocated for and defended the rights of members of the Association. This did not sit well with Mr. Harum and our relationship deteriorated very quickly.

7. Eventually, in November of 2008, then-Sheriff Harum seized upon what he believed was an opportunity to terminate my employment with Chelan County. However, the Association grieved the termination and my employer was forced to reinstate me and admit through a settlement agreement that then-Sheriff Harum's allegations that lead to my termination were not sustained. Then-Sheriff Harum's wrongful termination of me also ended up costing Chelan County hundreds of thousands of dollars in back pay and benefits.

8. During the time my grievance was still pending there was also litigation brought against Chelan County because then-Sheriff Harum breached the original settlement agreement.

9. Because of Mr. Harum's conduct, the dispute was not resolved until 2012 and ended up costing Chelan County much more than it would have had he not breached the original settlement agreement.

10. I also believe that Mr. Harum's behavior likely cost him his job as the elected Sheriff in 2010. In large part, because of his behavior during my

grievance and litigation related thereto, the Chelan County Deputy Sheriff's Association endorsed Mr. Harum's opponent who then went on to win the election.

11. I believe this history, which Mr. Harum conveniently omits from his Declaration makes clear that he likely still harbors much animosity and bias towards me.

12. I have previously testified by declaration that I took steps to limit my involvement in the investigation related to Mr. Hawkins due to the familial relation between myself and Mr. Hawkins. (ECF No. 49 at 3). I testified that I spoke to my Sergeant, Jeff Middleton, and told him that I did not think that it was a good idea and he agreed. Therefore my role in the investigation was very limited.

13. Although Mr. Harum accuses me of being untruthful (ECF No 58 at 3) about my testimony, he offers no facts to corroborate his accusation of deliberate involvement in the investigation. I specifically deny Mr. Harum's allegation that I somehow knowingly violated any policy concerning conflicts of interest related to the Hawkins matter. (ECF No. 58 at 4 and 5.)

14. Mr. Harum as asserts that I was allegedly suspected of tampering with evidence in the investigation. (ECF No 58 at 3 and 4.) However, again,

Mr. Harum offers no facts to corroborate this accusation and the accusation is baseless and false. I specifically deny that I personally in any way tampered with evidence or planted evidence as part of the Hawkins matter, or that I instructed anyone to do so.

15. Mr. Harum's Declaration also contains a discussion of the *Brady* doctrine and designation as a "Brady Cop." (ECF No. 58 at 4.) It appears that Mr. Harum is speculating that the *Brady* doctrine somehow impacted the Douglas County Prosecutor's decision not to call me as a witness during Mr. Hawkins' criminal trial.

16. To my knowledge, I was never designated as a "Brady Cop" during my law enforcement career. Therefore, I do not know how or why the *Brady* doctrine would have had any impact on the prosecutor's decision to call or not call me as a witness in the criminal trial. Instead, my very limited involvement in and knowledge of the investigation is the likely reason I was not called as a witness. If my involvement was truly as nefarious as Mr. Harum speculates, I assume that Mr. Hawkins' attorneys would have called me as a witness, but they did not.

17. Mr. Harum also alleges that my career with the Chelan County Sheriff's Office "involved a record of knowingly lying in an official capacity"

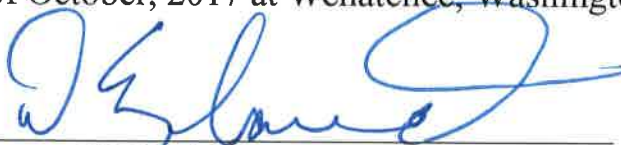
and that this alleged behavior “resulted in sustained complaints and a subsequent termination of ... employment.” (ECF No. 58 at 5.)

18. As indicated previously, my employer Chelan County was forced to admit that Mr. Harum wrongfully terminated me and that the alleged misconduct that he relied upon to terminate me was not sustained. Mr. Harum’s testimony to the contrary is not true.

19. Likewise, Mr. Harum fails to provide any corroboration for his allegation that I in any way knowingly lied in my official capacity or that such behavior resulted in any kind of discipline during my law enforcement career. I specifically deny that there is any truth to this allegation as well.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED THIS 31 day of October, 2017 at Wenatchee, Washington.



DALE ENGLAND

**SUPPLEMENTAL DECLARATION
OF DALE ENGLAND - 6**

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CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2017 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Scott A. Volyn
scott@volynlawfirm.com

Heather C. Yakely
Hyakely@ecl-law.com

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None

s/ KIRK A. EHLIS (WSBA #22908)
Attorneys for Chelan County Defendants
Menke Jackson Beyer, LLP
807 North 39th Avenue
Yakima, Washington 98902
Telephone: (509) 575-0313
Fax: (509) 575-0351
Email: kehlis@mjbe.com

**SUPPLEMENTAL DECLARATION
OF DALE ENGLAND - 7**

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